

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA**

IN THE MATTER OF

GUILTY PLEAS BEFORE
CHIEF UNITED STATES
MAGISTRATE JUDGE PAUL A. ZOSS

STANDING ORDER
(Issued February 1, 2008, superseding
Administrative Order 1507)

For cause, it is

ORDERED that the following procedures shall apply to guilty plea proceedings before Chief United States Magistrate Judge Paul A. Zoss:

1. A lawyer representing a defendant at a guilty plea proceeding will not be permitted to use the time scheduled for the taking of the guilty plea to prepare the defendant for the taking of the guilty plea. The preparations for a guilty plea hearing are to be completed as soon as practicable, but not later than the day before the guilty plea. This requirement applies in all cases, including cases involving interpreters.
2. During guilty plea proceedings, the lawyer for the defendant may be asked to state, on the record, the following information:
 - a. If there is no plea agreement, the total time spent by the lawyer consulting with the defendant about the decision to plead guilty and preparing for the plea proceedings.
 - b. If there is a plea agreement,
 - (1) the date on which the plea agreement was received from the United States Attorney's office;
 - (2) the date on which the plea agreement was first delivered to the defendant, and if the defendant cannot read or does not understand the English language, the date on which the plea

- agreement was first read to the defendant or translated to the defendant in the defendant's native language; and
- (3) the total time spent by the lawyer consulting with the defendant about the decision to plead guilty and about the plea agreement.
3. The lawyer for the Government must comply fully with the provisions of Local Criminal Rule 11. In the Government's Rule 11 letter filed pursuant to Local Criminal Rule 11.b,¹ the lawyer for the Government also must include the following information:
- a. Whether the plea is to be (1) an "*Alford*" plea; (2) a conditional plea pursuant to Federal Rule of Criminal Procedure 11(a)(2); (3) a *nolo contendere* plea pursuant to Federal Rule of Criminal Procedure 11(a)(3); or (4) a plea to a specific sentence or sentencing range pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C);
 - b. whether there is a plea agreement;
 - c. whether there is an appeal waiver in the plea agreement;
 - d. for each count to which the defendant is pleading guilty, a clear and particularized listing of the specific elements necessary to prove that count;²
 - e. for each count to which the defendant is pleading guilty, a statement of the factual basis necessary to prove that count;³

¹"At least four hours before a plea hearing, the lawyer for the government must file a letter setting out all relevant statutes involved in the plea proceeding, the maximum penalties and any mandatory minimum penalties that could be imposed by the court as a result of the plea, the elements of all offenses to which the defendant is pleading, and the factual basis for the plea. A copy of the letter must be delivered to the defendant's lawyer at or before the commencement of the plea hearing."

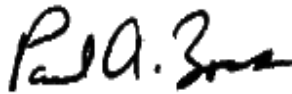
²The court suggests that the lawyer for the Government identify the elements of each charge by reviewing the pattern jury marshaling instructions.

³This must be a statement of the specific facts supporting the defendant's guilt, not simply a repeat of the elements.

- f. a statement of whether the Government will be objecting to any part of the proposed guilty plea(s), and if so, the basis for any such objection;
 - g. the statutory penalties for each count to which the defendant is pleading guilty;
 - h. any special sentencing provisions or unusual collateral consequences to the defendant from pleading guilty; and
 - i. any special or unusual issues relating to the proposed guilty plea.
4. The failure to comply with this order may result in the imposition of sanctions, which may include the costs of any court reporter or interpreter for a plea hearing that is cancelled or continued as result of such failure, and an order prohibiting the defendant's lawyer from billing the time associated with the plea hearing.

IT IS SO ORDERED.

DATED this 1st day of February, 2008.



PAUL A. ZOSS
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT